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**DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**

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**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

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**CHAPMAN et al v. RICHARDSON.**

Sept. 19, 1918.

[96 S. E. 776.]

**1. Highways (§ 58 (1)\*)—Establishment—Order of County Board of Supervisors—Appeal.**—Under Code Supp. 1910, § 944a, subsec. 5, part of the general road law, the finding of the board of commissioners against the establishment of a road and landing and its order dismissing the application is reviewable by the circuit court.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 874.]

**2. Statutes (§ 167 (1)\*)—Revision—Changes in Law—Presumption.**—Where there has been a revision of the laws, the presumption is that the old law was not intended to be changed, unless a contrary intention plainly appears in the new law.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 781.]

Appeal from Circuit Court, New Kent County.

Application by E. C. Chapman and others to the Board of Supervisors of Kent County to establish a public landing on a river and a public road thereto. There was a favorable report of viewers awarding compensation to W. P. Richardson. From an order of the Board of Supervisors rejecting the report and dismissing the application, the applicants appealed; and, from an order of the circuit court sustaining the landowner's motion to dismiss the appeal, the applicants appeal. Order of the circuit court reversed, and case remanded.

*Isaac Diggs*, for the plaintiffs in error.

*Henley, Hall & Peachey* and *Manly H. Barnes*, for the defendant in error.

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**KISER v. HENSLEY et al.**

Sept. 19, 1918.

[96 S. E. 777.]

**1. Execution (§ 185\*)—Bond by Claimant—Conformity to Statutes.**—To be good as statutory bonds, bonds by claimant of property

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

seized on execution must substantially conform to the statutes, and, unless they do so conform, though they may be good as common-law bonds, they are not valid as statutory bonds.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 422.]

**2. Execution (§ 185\*)—Bond by Claimant—Compliance with Statute.**—Bond, payable to sheriff, omitting recital of amount due on execution, etc., and conditioned that claimants should have property forthcoming and subject to order of court, did not comply with Code 1904, § 3004, and was not good as a statutory bond.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 417.]

**3. Execution (§ 185\*)—Claim to Property Levied on—Unlawful Possession.**—Where claimant of property levied on failed to institute interpleader proceedings within 30 days from date of suspending bond, from expiration of that period property was held unlawfully by him, and therefore at his own risk.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 423.]

**4. Execution (§ 185\*)—Bond by Claimant—Construction.**—Statutory proceeding by interpleader being substitute for common-law replevin, it is proper to construe bond by a claimant as it would have been construed at common law, if a replevin or a redelivery bond in an action for replevin.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 414.]

**5. Replevin (§ 124 (3)\*)—Replevin Bond—Measure of Recovery.**—Measure of recovery on replevin bond, when part only of goods are returned, is value of goods not returned.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 653; 6 Va.-W. Va. Enc. Dig. 444.]

**6. Execution (§ 207\*)—Claim by Interpleader—Bond by Claimant.**—If property levied on under execution be replevied by claimant, interpleading under Code 1904, §§ 2998—3005, and be of greater value than amount of execution, damages on claimant's bond, not conforming to section 3004, therefore good only as common-law bond, would be amount of execution, interest, and costs; if value of property be less than amount of execution, damages would be full value of property.

[Ed. Note.—For other cases, see 6 Va.-W. Va. Enc. Dig. 444.]

Error to Circuit Court, Russell County.

Motion on forthcoming bond by G. F. Kiser, late Sheriff, etc., against R. E. Hensley and others. To review judgment for him, for the value of the property levied upon, which was not redelivered, the movant brings error. Affirmed.

*T. L. Sutherland, W. W. Bird and Sutherland & Sutherland,* for the plaintiff in error.

*Finney & Wilson and C. C. Burns,* for the defendants in error

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.